



City of Tempe

MINUTES FOR THE CITIZEN ADVISORY COMMITTEE
(CAC) MEETING

5:30 –8:00 p.m. November 14, 2001
Public Works Conference Room

ATTENDANCE:

Darin Sender, Board of Adjustment
Kirby Spittler, Planning & Zoning Commission
Cheri Edington, Board of Adjustment Chair
Kathryn Heffernan, Parking Consultant
Scot Siegel, Otak
Mandi Roberts, Otak
Grace Kelly, COT
Bonnie Richardson, COT

Grady Gammage, Zoning Attorney / Developer
Michael DiDimenico, Planning & Zoning Commission
Helen Stern, Former Board of Adjustment member
MaryAnn Miller, Tempe Chamber of Commerce
Roger Millar, Otak
Fred Brittingham, COT
Arlene Palisoc, COT

• INTRODUCTION BY SCOT SIEGEL

- Siegel: General Provision and Changes in Commercial and Residential Zoning Districts.
- Gammage: Does not recommends turning existing legal to non-conforming uses. Problems with it includes: It reduces property rights, causes administrative problems and creates transitional issues. Ex.) Phoenix, allows old and new uses / development. They did not create non-conforming issues, but did create a whole parallel list of zoning districts.
- Why mixed use? Better to encourage mixed use than require mixed use. Let the market decide what gets built. If you require a specific use and quantity, the development may not be successful.

PROPERTY RIGHTS

- Neighborhood needs assurance that there are benefits with changes.
- Need to look at General Plan and meet the goals.
- Making changes to allow new uses "by right" may be difficult. Use permits give neighbors a chance to have input. They should have the right to speak their mind, rather than things being allowed by right.
- Make "ordinance" clear and not have conflicts.
- Existing deed restrictions on newer subdivisions limit changes "by right".

ACCESSORY DWELLING UNITS

- Difficult to regulate owner occupied at main house.
- May not be legal to regulate owner – occupied.
- Phoenix defines with or without range top (guest house/accessory uses)
- Good to encourage in older, intense part of Tempe, can preserve housing stock.
- Area Neighborhood Plans – can be used to encourage A.D.U.s
- Works best with alley access
- Guarantee separation, especially in back yard for space/relief
- Need 0-lot setback, alley may not be so much an alley.
- Subject to variance or use permit.
- Zoning Administrator Opinions will be integrated into the ordinance.

HOME OCCUPATIONS/ LIVE-WORK

- With new ordinance, as in previous ordinance, you do not need approval for Home Occupation, but you follow standards/ rules.
- Home Occupation may need to be redefined regarding employees: ex) daycare, accounting business should allow some non-related employees.
- R1-4, R2, R-3, R-4, live work. Employees not related, May or may not be appropriate depending on neighborhood or area or neighborhood.
- Live/ Work definition conflicts in definitions.
- Can create buffer zone, benefit neighborhood.
- Signs for live/work may be shocking, It depends on nature of streets. Use permits for signs?
- Live-work looks at location criteria – ex) arterial street or collector streets.
- Boutiques: goes beyond ordinances, pisses people off.
- Home occupations/ live-work: limit to prescribed uses. Retail uses may need more considerations (location/ signs)
- Have use in main house or accessory dwellings.
- Need to set parameters, (i.e. height, setbacks, etc.) of A.D.U.

SECOND STORY ADDITION

- Sensitive issue
- Use permit vs. right. Need some kind of standard ex.) setback or Design Review approval.

NO COMMERCIAL OFFICE ZONING

- Similar theory to mixed use. (encourage other wider uses)
- Could have problems with lower end business users.
- Rezone to broaden what is allowed.
- When rezoning all commercial properties in Tempe, we need to post and advertise – open public process.
- There are some parcels that may have issues in a rezoning (Bobbie's flowers: front property is C-1, rear is RO)

COMMERCIAL MIXED USE ZONING

- Development Standards in four districts : No min. site area, min. FAR in downtown with min. lot width/length, etc.
- Should 5 stories as a right, be allowed in downtown – 64' too high? Maybe not.
- Enforce with ratio from setback, design standards, needs greater review,
- Adjusting setbacks in commercial is wrong – need density.
- Density, Height and lot coverage – basic differences in districts.
- Matrices and charts need graphics, less foot notes, need to be easier to read.
- Generalized mixed use definition.
 - Typically includes residential component.
 - May need to expand definitions, clarity needed in retail and commercial uses.
 - Mixed Use allows uses, does not require uses. Then specific area can make it more restrictive.
 - May Increase apartments.
 - Units on retail size of uses , for example, allows big box store, super Wal-Mart.